IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2929 OF 2006

Manoj Kisan Salunkhe & Anr. .. Applicants

Versus

State of Maharashtra .. Respondents

Mr.Shekhar A. Ingawalee for applicants

Mrs.M.H.Mhatre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd August 2006

P.C.

. Heard Mr.Ingawale for applicants and Ms.Deshmukh, A.P.P. for respondents. Applicant Nos.9 and 10 in C.R.No.66 of 2006 registered with

Kagal police station, Dist.Kolhapur. The offence alleged is under section 395 of I.P.C. Applicants have been arrested on 12th July 2006 and since then, they are in custody. In all fairness, the A.P.P. seeks time on the ground that the concerned I.O. has not attended the Court today. She submits that a message was sent but the same was delivered to wrong police station. Hence time be granted.

2. I have perused with the assistance of both sides, the application and annexures. In my view no useful purpose will be served by granting adjournment.

3. The case of complainant is that three unknown persons followed him and another gentleman on a motor-cycle. They administered fist and kick blows. A bag containing 4 Kgs. of silver was snatched from the hands of other gentleman and they left the spot. It appears

that during investigation the motor cycle was siezed and the silver was also siezed. As far as the present applicants are concerned, in the remand report also it is not mentioned that they are the ones who are responsible for the attack. All that is pointed out to me is that during the course of investigation, a statement was made by the co-accused about the applicants involvement in the crime. Police have already seized the cash and silver. Recovery from the applicants is only Rs.4000/-. In all 12 persons have been arrested but no specific role has been attributed to the applicants, insofar as alleged incident is concerned.

4. In such circumstances and when the prosecution could not point out any criminal antecedents as far as applicants are concerned, it is desirable that they are enlarged on bail with some stringent conditions.

5. Hence, the following order:-

i) The applicant arrested in connection with C.R.No.66 of 2006 registered with Kagal Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs.10,000/- each with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer on every Saturday between 11.00 a.m. and 1.00 p.m. till conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address

where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)